

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 OCT -7 P 2:18

U.S. DISTRICT COURT
DISTRICT OF MASS.

IONICS, INCORPORATED,
Plaintiff

v.

GLOBAL ENERGY, INC.,
Defendant.

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) Civil Action No. 04-~~77~~943-PBS
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AFFIDAVIT OF LONG-ARM SERVICE

I, Kim M. Clarke, do hereby depose and state as follows:

1. I am an attorney, licensed to practice in the Commonwealth of Massachusetts and a member of good standing of the Massachusetts Bar.

2. I represent the Plaintiff Ionics, Incorporated ("Ionics") in this action.

The following statements, unless otherwise noted, are based on my personal knowledge:

3. The Defendant, Global Energy, Inc. ("Global") was served with Ionics' complaint on August 5, 2004, and Global's answer was due on August 26, 2004.


4. On August 26, 2004, I spoke with Harry H. Graves, the CEO of Global, who asked for and Ionics agreed to a two-week extension, until September 9, 2004, for Global to acquire local counsel and answer the complaint or remove it to Federal Court.

5. The case was removed to the United States District Court of Massachusetts on September 7, 2004.

6. On or around September 9, 2004, Global's Counsel, Jason Morgan, Esq. called me at least once for an additional extension of time to answer the complaint and Ionics agreed to extend the time to answer until September 15, 2004. The answer was filed on September 15, 2004.

7. On September 14, 2004, Ionics filed a Motion for Summary Judgment and filed a Revised Motion for Summary Judgment on September 20, 2004. The revised motion was essentially the same as the original motion for summary judgment, but contained a minor change in the amount of damages claimed.

Signed under the penalties of perjury this 7th day of October, 2004.


Kim M. Clarke, Esq.
Nixon Peabody LLP
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Boston, Massachusetts 02110
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CERTIFICATE OF SERVICE

I hereby certify that on this day, October 7, 2004, a true and accurate copy of the herein Plaintiffs' (1) Opposition to Defendant's Motion for Extension of Time; and (2) Affidavit of Kim M. Clarke was served by overnight mail on counsel for Defendant Global Energy, Inc.:

Jason W. Morgan, Esq.
Drohan, Hughes, Hoffman, & Tocchio, P.C.
175 Derby Street, Suite 30
Hingham, MA 02043


Kim M. Clarke